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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 GS HOLISTIC, LLC,  
12  
13 Plaintiff.

Case Number: 2:22-cv-02037-WBS-CKD

14 v.

**PLAINTIFF'S STATUS REPORT**

15 NITIKA, INC d/b/a SMOKE PARADISE 707,  
16 NITIKA DADHWAL, GURPREET  
17 DADHWAL, and JEFFREY LEE,

18 Defendants.

19  
20 The Plaintiff to the above-entitled action submits this Unilateral Status Report pursuant to  
21 the Court's Order on February 8, 2023 [DE 6].

22  
23 1. Facts

24 This is a civil action against the Defendants for trademark infringement, counterfeiting,  
25 and false designation of origin and unfair competition, under the Lanham Act (15 U.S.C. § 1051  
26 et. seq.). In its Complaint filed on November 9, 2022, Plaintiff alleges that Defendant offered for  
27 sale counterfeit goods bearing marks that infringed on several of Plaintiff's federally registered  
28

1 trademarks and that such offers are likely to cause confusion as to the source of the counterfeit  
2 goods in the market.

3  
4 2. Status of Service

5 All Defendants have been served as of February 9, 2023 [DE 5, 11, 12, 13].  
6

7 3. Possible Joinder of Additional Parties

8 The Plaintiff does not foresee any joinder of additional parties.  
9

10 4. Amendment of Pleadings

11 No parties, claims, or defenses are expected to be added or deleted.  
12

13 5. Jurisdiction & Service

14 This Court has subject matter jurisdiction over the claims in this action that relate to  
15 trademark infringement, counterfeiting, and false designation of origin and unfair competition  
16 pursuant to the provisions of 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a). No issues exist  
17 regarding personal jurisdiction or venue. The Defendants have all been served.  
18

19 6. Discovery

20 No Discovery has been taken to date.  
21

22 7. Legal Issues

23 Whether Defendant offered for sale counterfeit goods under an infringing mark(s) and the  
24 amount of damages suffered by Plaintiff for Defendant's actions. Whether the offers for sale of  
25 counterfeit goods with marks resembling Plaintiff's federally registered trademarks are likely to  
26 cause consumer confusion.  
27  
28

1 8. Motions

2 There are no prior or pending motions.

3  
4 9. Scheduling

5 *Proposed dates:*

6 Completion of initial ADR session: by May 23, 2023

7 Designation of experts: by June 27, 2023

8 Discovery cutoff: by July 26, 2023

9 Hearing of dispositive motions: by August 31, 2023

10 Pretrial conference and trial: by September 28, 2023

11  
12 10. Trial

13 The case will be tried by the court and will last 3-4 days.

14  
15 11. Related Cases/ Bankruptcy

16 There are no related cases pending.

17  
18 12. Any other matters to add to the just and expeditious disposition of this matter

19 There are no other matters to add.

20  
21  
22 13. Corporate Disclosures

23 The Plaintiff has no parent or subsidiary corporations and, has no publicly held companies  
24 owning 10% or more of its stock.

25  
26 14. Class Actions

27 The case is not a class action.

1 15. Relief

2 Plaintiff seeks statutory damages; treble damages; disgorgement of profits; costs of suit;  
3 injunction; and accounting. The range for statutory damages for the use of counterfeit marks is  
4 \$1,000 to \$200,000 per counterfeit mark per type of goods or services sold, offered for sale, or  
5 distributed, as the court considers just, and if the court finds that the use was willful, up to ten (10)  
6 times that amount. The Plaintiff seeks the full amount of statutory damages awardable for willful  
7 infringement, plus costs, at this time.

8  
9 16. Narrowing of Issues

10 There are no issues that can be narrowed by agreement or by motion. There are no  
11 suggestions to expedite the presentation of evidence at trial. There is no request to bifurcate issues,  
12 claims, or defenses. **The three issues which are the most consequential to the case are whether**  
13 **the Defendant's offer for sale of goods bearing counterfeit marks was willfull, whether the**  
14 **offer for sale of those goods caused a likelihood of confusion with regard to Plaintiff's**  
15 **registered marks, and the amount of damages suffered by plaintiff.**

16  
17 17. Status (Pre Trial Scheduling) Order

18 A Clerk's Default has been entered against all Defendants [DE 16, 18]. Although the  
19 Plaintiff was not able to reach the Defendant or its counsel, the Plaintiff would be satisfied with a  
20 Court's Status Pre Trial Scheduling Order based on this Status Report.

21  
22  
23 Dated: 4/24/2023

/s/Tomas Carlos Leon  
\_\_\_\_\_  
Counsel for plaintiff

24  
25  
26 **CERTIFICATE OF SERVICE**

1 I HEREBY CERTIFY that on April 24, 2023, the foregoing document was electronically  
2 filed with the Clerk of the Court using CM/ECF to serve on all counsel of record.  
3

4 /s/ Tomas Carlos Leon  
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